

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BOSTON SCIENTIFIC CORPORATION
and BOSTON SCIENTIFIC SCIMED, INC.,

Plaintiffs,

V.


CONOR MEDSYSTEMS, INC.,

Defendant.

Case No.: 05-768-SLR

**BSC'S MOTION FOR SUMMARY JUDGMENT
BASED UPON COLLATERAL ESTOPPEL**

Defendants Boston Scientific Corporation and Boston Scientific Scimed, Inc. respectfully move for summary judgment that Conor Medsystems, Inc. ("Conor") is collaterally estopped from contesting the validity of Claim 35 of United States Patent No. 5,922,021 or the enforceability of the patent. The grounds for this motion are fully set forth in the accompanying brief filed herewith.



Josy W. Ingersoll (I.D. #1088)
John W. Shaw (I.D. #3362)
Adam W. Poff (I.D. #3990)
YOUNG CONAWAY
STARGATT & TAYLOR, LLP
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899
(307) 571-6600

*Attorneys for
Boston Scientific Corporation
and Boston Scientific Scimed, Inc.*

Of Counsel:

John M. Desmarais
Peter J. Armenio
Young J. Park
KIRKLAND & ELLIS LLP
153 East 53rd Street
New York, New York 10022-4611
(212) 446-4800

Dated: May 11, 2007

CERTIFICATE OF SERVICE

I, Adam W. Poff, Esquire, hereby certify that on May 11, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Steven J. Balick, Esquire
John G. Day, Esquire
Lauren E. Maguire, Esquire
Ashby & Geddes
500 Delaware Avenue, 8th Floor
Wilmington, DE 19899

I further certify that on May 11, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

BY ELECTRONIC MAIL

Gregory L. Diskant, Esquire
Eugene M. Gelernter, Esquire
Kathleen M. Crotty, Esquire
Scott W. Parker, Esquire
Ravi V. Sitwala, Esquire
Diana Breau, Esquire
Patterson, Belknap, Webb
& Tyler, LLP
1133 Avenue of the Americas
New York, NY 10036

Courtland L. Reichman, Esquire
King & Spalding
1180 Peachtree Street, NE
Atlanta, GA 30309

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Adam W. Poff (No. 3990)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19899-0391
(302) 571-6600
apoff@ycst.com

Attorneys for Boston Scientific Corporation and Boston
Scientific Scimed, Inc.